

## **REMARKS**

Reconsideration and withdrawal of the examiner's claim objections and rejections under 35 USC §§ 101, 112, 102 and 103 is respectfully requested in view of the above amendments and the following remarks. The applicant would like to thank the examiner for her time and kind cooperation in this matter.

### **Claim Objections**

The examiner has objected to claim 19 because of the following informalities: the claim includes a period after "random" (bottom of page 4 of amended claims) and a period after "from 1 to 20" (top of page 5 of amended claims). In response, claim 19 has been amended according to the examiner's kind suggestion.

### **35 USC § 101/112**

The examiner asserts that claim 23 provides for the use of a composition to enhance the softening benefit of a laundry treatment composition on a substrate but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. In response, claim 23 has been amended to include an active step. Support for this amendment is found on page 60, lines 1-5 of the instant specification.

### **35 USC § 112**

The examiner has rejected claims 12, 16 and 18-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention with respect to the recitation of a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim). In response, claims 12, 16 and 18-20 have been amended to address this rejection.

### **35 USC § 102**

The examiner has rejected claims 1-10, 13 and 21 under 35 U.S.C. 102(b) as being anticipated by Kurosawa, et al., (US PGPub 2002/0022037).

The examiner has also rejected claims 1-9 and 17-23 under 35 U.S.C. 102(e) as being anticipated by Dupont, et al., (US 6,897,189). In response, applicants have amended independent claim 1 to clearly distinguish the claimed invention over Kurosawa, et al., and Dupont, et al., by adding the limitations of claims 9-11.

Kurosawa, et al., relates to a composition containing a specific silicone-modified polysaccharide compound with a low viscosity silicone oil and/or powder component for covering rough surfaces of the skin (see abstract) and Dupont, et al., relates to specific polysaccharide compounds and laundry compositions containing the compounds for providing anti-wrinkle benefits to cellulosic fiber containing fabric.

Applicants respectfully submit that amended claim 1 is novel over Kurosawa and Dupont. Neither reference discloses or suggests a composition in which the second textile benefit species is a silicone having a dynamic viscosity of >2,500 mPa.s. Therefore, a proper prima facie case is not set out under § 102 for amended claim 1.

### **35 USC § 103**

The examiner has rejected claims 1, 4-5 and 9-16 under 35 U.S.C. 103(a) as being unpatentable over Bijsterbosch, et al., (US 6,248,710), in view of Clarke, et al., (US 6,251,850). Applicants respectfully traverse this rejection.

The examiner asserts that it is obvious for the person skilled in the art to make a combination of Bijsterbosch and Clarke, and that such a combination would set out a prima facie case. Applicants respectfully submit that a proper prima facie case is not set out because the skilled person would not combine Bijsterbosch and Clarke due to their incompatible teachings.

Applicants respectfully submit that Bijsterbosch teaches a non-hydrolysable polysaccharide with a silicone benefit agent (which is a polymeric textile benefit agent) attached by a hydrolytically stable bond.

However, Bijsterbosch does not teach that this material can be used to effectively deposit a softening silicone, indeed the silicone bonded to the polysaccharide is a softening agent itself. So to use this material to deposit a softening silicone as such is not disclosed or suggested. Bijsterbosch further teaches that 'cationic species' as benefit agents, or as part of a laundry composition are disadvantageous in use due to adverse effects from other charged species present in the treatment compositions (see background, col. 1, lines 13-57, especially lines 20-28) and therefore teaches away from such benefit agent.

As a result, the skilled person would be unlikely to combine Bijsterbosch with Clarke, as Clarke teaches a cationic fabric softening agent in combination with a silicone. Clarke further teaches that the silicone is deposited onto the fabric using a cationic species, i.e. by the route described in Bijsterbosch as being disadvantageous as discussed above.

Moreover, Bijsterbosch doesn't teach the non-hydrolysable polysaccharide bonded to the silicone to be combined with a softening silicone of viscosity  $>2,500 \text{ mPa.s}$  – i.e. it does not teach or suggest that the polysaccharide with silicone bonded thereto can be used to surprisingly and effectively deposit a second softening silicone.

Assuming arguendo a proper prima facie case had been set out with respect to amended claim 1, applicants respectfully submit that the polysaccharide having the silicone bonded thereto has the surprising advantage of being able to increase the deposition of a softening silicone to a fabric substrate. This can be clearly seen in the experimental data of example 4, where a softening silicone (Rhodorsil huile Extrasoft) is formulated with a polysaccharide according to the invention (example 4) and without such a polymer (example 4A). Both of these are tested for deposition of the softening silicone (table 7). The Percentage of total silicone deposited is approximately ~4 times higher (19.8% vs. 5.12% of total silicone deposited) when the polysaccharide of the invention is used.

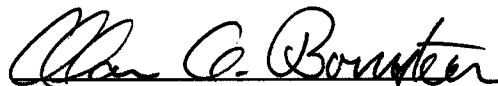
Applicants respectfully submit that the unexpected results discussed above would be sufficient to rebut the examiner's prima facie case due to the unpredictable nature of laundering and benefit agent deposition chemistry. KSR v. Teleflex, 127 S. Ct. 1727 (2007).

### **CONCLUSION**

In summary, claims 1, 12, 13, 16, 18, 19 and 23 have been amended and claims 9-11 and 24-25 have been cancelled as being redundant. No new matter has been added.

In light of the above remarks, applicants submit that the claims now pending in the present application are in condition for allowance. Reconsideration and allowance of the application is respectfully requested. The examiner is invited to contact the undersigned if there are any questions concerning the case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan A. Bornstein", written over a horizontal line.

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